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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/597,900

08/11/2006

Masayuki Hibino

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7704

52054 7590 09/26/2008

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EXAMINER

KURR, JASON RICHARD

ART UNIT

PAPER NUMBER

2615

NOTIFICATION DATE

DELIVERY MODE

09/26/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patdocket@pearne.com  
dchervenak@pearne.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/597,900	<b>Applicant(s)</b> HIBINO ET AL.	
	<b>Examiner</b> JASON R. KURR	<b>Art Unit</b> 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/11/06</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement filed August 11, 2006 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Claim Objections***

Claim 5 is objected to because of the following informalities:

Claim 5 recites the limitation "each group" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "each of audio signals" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Dorrough (US 5,751,819).

With respect to claim 5, Dorrough discloses an audio mixer, comprises: signal level judging means (fig.1A) for judging, with respect to each group, whether or not each of audio signals is a larger than a threshold level (col.3 ln.21-28); and group peak information display means (fig.1A #16) for displaying group peak information of each group to indicate whether or not one or more audio signals are judged, with respect to each group, as a signal larger than a threshold level by said signal level judging means (col.2 ln.28-50).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powers et al (US 6,839,441 B1) in view of Dorrough (US 5,751,819).

With respect to claim 1, Powers discloses an audio mixer (fig.2), comprising: group selecting means (fig.2 "E") for selecting one group from among groups having audio signals allocated thereto (col.5 ln.33-38); level information display means (fig.2

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“C,D”) for displaying level information indicative of signal levels of said audio signals of said one group selected by said group selecting means (col.5 ln.31-33).

Powers does not disclose expressly wherein the mixer comprises signal level judging means or peak information display means.

Dorrough discloses signal level judging means (fig.1A) for judging whether or not audio signals of groups is larger than a threshold level (col.3 ln.21-28); peak information display means (fig.1A #16) for displaying peak information of audio signals (col.2 ln.28-50), said peak information being indicative of the judgment made by said signal level judging means. At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the signal level judging means and peak information display means of Dorrough in the audio mixer of Powers. The motivation for doing so would have been to alert a sound engineer using the audio mixer of dangerous signal levels to avoid over-range incidents.

With respect to claim 2, Powers discloses an audio mixer as set forth in claim 1, which further comprises group peak information display means for displaying group peak information of each group to indicate whether or not one or more audio signals are judged, with respect to each group, as a signal larger than a threshold level by said signal level judging means (Dorrough: col.2 ln.12-18).

With respect to claim 3, Powers discloses an audio mixer as set forth in claim 1, which further comprises signal level adjusting means (fig.4 #23) for adjusting the signal

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level of each of said audio signals of said one group selected by said group selecting means (col.6 ln.32-58).

With respect to claim 4, Powers discloses an audio mixer as set forth in claim 1, which further comprises group selection control means (fig.2 "E") for controlling said group selecting means to have said group selecting means select one group including one or more audio signals judged as a signal larger than a threshold level by said signal level judging means (col.5 ln.33-38).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Franks et al (US 4,879,751) discloses an audio production console.

Ballard et al (US 5,617,480) discloses a DSP-based equalization system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON R. KURR whose telephone number is (571)272-0552. The examiner can normally be reached on M-F 10:00am to 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571) 273-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason R Kurr/  
Examiner, Art Unit 2615

/Vivian Chin/  
Supervisory Patent Examiner, Art Unit 2615